



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



January 6, 2003

ADMINISTRATIVELY CLOSED
08/05

Donald Toy
Toy's Manufactured Housing, Inc.
15 Nashoba Drive
Rochester, NH 03867

LETTER OF DEFICIENCY# WSEB 03-002
CERTIFIED MAIL# 7099 3400 0003 0689 7045

Subject: Barrington - Public Water System: Emerald Acres (EPA# 0153060)

Dear Mr. Toy:

The records of the Department of Environmental Services (DES) show that the Emerald Acres water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 days or more a year.

RSA 485:8, II prohibits the addition of a source to a public water system without approval by DES. Pursuant to NH Administrative Rule Env-Ws 378, a PWS must, *inter alia*, obtain approval for a new well from DES before such a well may be connected to a community water system. During the October 24, 2001, sanitary survey conducted on the Emerald Acres water system, DES staff noted that bedrock well (BRW) #2 was operational and online. To date, DES has not received an application for a well citing approval for BRW #2. The addition of BRW#2 to the Emerald Acres water system without DES approval places the water system in violation of RSA 485:8, II and NH Admin. Rule Env-Ws 378.

Also, pursuant to Env-Ws 378.24, DES must approve the proposed deepening of an existing PWS well prior to the start of the process to deepen the well. During the October 24, 2001, sanitary survey conducted on the Emerald Acres water system, DES staff noted that BRW #1 had been deepened without prior DES approval. This places the PWS in violation of Env-Ws 378.24.

DES believes the noted violations can be corrected by taking the following actions:

By March 7, 2003, submit to DES in writing the following information documenting the deepening of BRW#1:

- Applicant's name, address, and phone number
- Consultant's name, address, and phone number, if applicable
- Water system name
- EPA identification number
- Water supply requirements for the system as established during design approval
- Description of the sanitary protective area and any measures taken to achieve compliance with Env-Ws 378.06
- Description of the well in relation to the 100-year flood elevation
- Description of current water quality

2. **By March 7, 2003**, submit to DES an application for a small community well siting approval for BRW#2.

In the event compliance is not achieved within these time periods, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The well deepening documentation and the small community well siting application, as requested above, should be addressed as follows:

Diana W. Morgan
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any question concerning the requirements of Env-Ws 378, please call Diana Morgan at (603) 271-2947 or e-mail her at dmorgan@des.state.nh.us. Please call Alan Leach at (603) 271-2854 or e-mail him at aleach@des.state.nh.us if you have any questions regarding this letter.

Sincerely,



Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit
Theodore Buczek, Town of Barrington Health Officer
Stan Oliver, Primary Operator
US EPA, Region 1